JOINT MEETING – PUBLIC HEARING – JUNE 22, 2010

On Tuesday, June 22, 2010, the Town Board of the Town of Raymond held a Joint meeting with the Town's Plan Commission, as well as holding a Special Public Hearing.

Town Board Chairman Gary Kastenson called the meeting to order at 7:30 PM. Roll Call was taken as follows: Plan Commission Members Present: Art Binhack; Gary Boldt; Harold Strohmeier; Alan Babe and John Strueder; absent was Mike Sinda. Town Board Members Present: Chairman Gary Kastenson; Supervisors, Kevin Cantwell; Dave Lecus; Paul Ryan and James Phillips. Also present was Town Clerk, Linda Terry.

Mr. Don Stark and Mr. Kurt Hagar gave a brief presentation on the proposed asphalt plant for the Town of Raymond. The property is currently agriculturally zoned – it is 80 acres; right now it is a flower business. Six acres will be used for the asphalt operation; and the balance is either in flood plain or storm water.

There will be a heating system; they will have pollution control; and some asphalt storage. The heating system is totally enclosed. They are only using natural gas; there will be a fabric filter system that is 99.5% efficient. The fumes are incinerated. There will be liquid storage tanks that will be used for short term storage. The operation would run from April through December only; from 6:00 am – 7:00 pm. It would be subject to the Town's approval for any additional time. Proposing 210,000 tons of material per year.

This is located about 1/3 of a mile from the frontage road. The trucks would be traveling only down that stretch of road. There would be approximately 6 – 16 trucks per hour.

This is also a recycling facility; they will be bringing in a crusher maybe twice a year. The dust from crushing does not blow around.

The DNR will require the company be on hard service; this will be swept and watered everyday, and there will also be speed bumps.

There will be landscaping and a berm running parallel to 3-mile road. The berm will be five feet above the elevation of the road. This will mitigate the visual impact.

Mr. Dan Schram, from the DNR, is an air management supervisor. There will be an air permit needed for this plant.

The DNR will examine the asphalt plant and make sure that it meets the code. All of the dust will be controlled by a fabric filter. The company would be required to do testing and verify their compliance.

The asphalt company will need to do a test of what this will do to the existing air quality; the company will have to pass a test in order to get an air permit.

The DNR will review the site before and after the company goes in.

Gary Boldt asked whether or not the DNR has looked at this site yet.

Dan Schram said that they had not yet looked at this; however, it sounds like a fairly standard plant.

Supervisor Cantwell asked how this plant compares to the plant on Hampton Avenue?

Mr. Stark said the plant in Milwaukee produces 2-1/2% times what we are proposing here. They are occupying 14 acres on Hampton, and are proposing 6 acres here.

Supervisor Ryan asked if this will be a portable plant or if it will be permanent.

Mr. Stark said that it will be a permanent plant.

Supervisor Phillips questioned the portion of this plant to be done in warm mix?

Mr. Stark stated that within a year they hope to have almost all of it warm mix; one-half will be warm mix during the first year.

Supervisor Phillips asked whether they were going to be using foaming or chemical? Also, has the Department of Transportation approved any warm mix?

Mr. Stark said it would be chemical polimer. The DOT wants to move that way, regarding warm mix – the asphalt plant is regulated by what the DOT wants.

This will be an asphalt plant – there will be no concrete.

Supervisor Cantwell asked what the life expectancy of a truck load?

Mr. Stark said that when it is hot out, it'll last 2-3 hours, but in the fall of the year, approximately 1 hour.

Supervisor Lecus asked about Janicek living there?

Mr. Stark said that the Janicek's have been offered to stay and run their business for three years.

Chairman Kastenson asked when did warm mix come into play?

Mr. Stark said that during the last 3-4 years.

Mr. Stark also said that there have been no DNR violations; they did have one non-compliant issue with bookkeeping.

Supervisor Ryan said that given the emission levels, do you see any types of illness, cancer, carcinogens?

The DNR's answer was – No, they will be using natural gas – there is no potential for harm.

Supervisor Phillips questioned ground contamination.

Dan Schram said that there is no fear of ground contamination – this is a dry system. And once again – they are using natural gas.

Mr. Stark said that he will take responsibility for maintaining the portion of road that they will be using.

For the next 3-1/2 hours, there was much discussion from residents and Town Board members. The minutes will reflect the names and addresses of persons that spoke, but, due to the fact that many of the concerns were repetitious, they will not be written twice.

Residents speaking:

CoCo Miller

4221-96th Street

Concerned about the wheel wash area.

Mr. Stark:

There is no wheel wash area at this site.

Russel Petersen
8161 W. 3 Mile Road

Would vote for the asphalt plant. He does not have all of the facts and figures and it is not in his back yard. This town cannot say "no" to everything. Many of the people in the Town have made a living in asphalt. He is sure the Town Board will do what is in the best interest of the town.

Rebecca Hart:

She checked on the website – in June of 2009, it was not "non-compliant".

Mr. Stark:

That was the bookkeeping error that was made.

Rebecca Hart:

What is the difference between the equipment proposed here and the equipment on Hampton Avenue?

Mr. Stark:

On Hampton Avenue there is an open burner; in Raymond, it would be an enclosed burner.

Dawnalee Erfouth:

She is a cancer survivor. Stark cannot contain 100% of the toxic waste. We do not want to destroy this town.

Bill from Yorkville:

About three months ago, the Town of Yorkville was facing the same decision. The Town of Yorkville denied the asphalt plant coming into their area because of the truck traffic – not only for the Town of Yorkville, but also for the Town of Raymond.

Chairman Kastenson:

There is no comparison in the plant that was proposed in Yorkville and this plant.

Eileen Welch:

Gave a brief power point presentation. She has many concerns regarding the pollutants and the truck traffic. She had pictures of the plant on Hampton Avenue.

Lori Jutrzonka:

Her opinion is on what affects her.

Karen Lee:

Personally, against rezoning.

Supervisor Lecus:

The whole corridor along I94 is proposed to be business.

Karen Lee:

When the people built their home in that area, why was that not mentioned.

The question was asked – what happens if there is a fire/explosion at the plant?

Chief Alan Babe:

Based on what I am hearing tonight, they are using natural gas – we would get assistance from the gas company to shut off the gas at the road.

The question was asked – if given approval, what will happen to the remainder of the 80 acre parcel?

Mr. Stark:

The property is 80 acres, but only 26 acres is actually buildable. We are proposing to use 6 acres.

Bill Osmundsen:

Has worked in an asphalt plant for 50 years. The plant where he works has homes that are 200 feet from the property line. The emissions are below 5. Before you say "no" to industry in the Town, let's give them a chance. We need more tax base.

Jean Hewitt:

She is an epidemiologist from Milwaukee. She gave a brief slide presentation regarding the air quality in Racine County, and also the possible dangers of an asphalt plant emitting benzene.

Mr. Stark:

Had their plant tested for benzene, and they have .0002 pounds per ton; which is approximately 52 pounds per year.

Bob Anderson:

How many jobs will Stark create?

Don Stark:

Three positions for the plant, plus this will create work for truckers.

Supervisor Ryan:

The Town does not give out permits for jobs.

A woman from the audience stated that they are all stressing about this – she took a drive to the plant on Hampton Avenue – the people there were complaining about the noise.

Steve Kramer:

Is concerned about the water run-off, plus the fact that his property value will depreciate by 56%. If this is all black-topped, the water will have to go somewhere.

Adrian Boldt:

If this plant is not approved, who in the audience is willing to open up their checkbook for additional taxes? The Town needs more businesses.

Jeff Sweet:

Gave a brief presentation – he is concerned about the property values decreasing, as well as the health hazards and truck traffic.

Supervisor Lecus:

Questioned Mr. Sweet regarding Mr. Sweet having gravel testing done on his property, for a quarry operation.

Mr. Sweet:

Said he emailed Jung trucking denying their proposal.

Chairman Kastenson:

When he talked to Mr. Sweet, he told him that when the time and money was right, he planned on developing his property.

Julie Anderson:

Questioned testing after the plant is in production. Is there an estimated time line for any of this? Are there any architectural plans? What about the pollution of the trucks going up and down the Town roads?

Don Stark:

The tanks will be 10 feet wide and 42 feet high. The stock-piles will not be more than 20-25 feet high.

If this is approved by all entities, they plan on starting operation in April of 2011.
Nancy Sweet:

Went over the Town's nuisance ordinance; she also gave the Board members copies of a letter sent by one of the businesses in Blackhawk Industrial Park, stating that they will leave if the asphalt plant comes in.

Art Binhack:

Said he visited the site on Hampton Avenue – there was no smell, and he only received complaints about the noise.

Steve Daily:

Moved here a year ago – his son has asthma. An asphalt plant may emit 100 tons of toxins into the air. He has traffic concerns regarding the 17000 trucks that would be coming into this plant. He is also concerned that when Highway "K" gets re-done, where will the truck traffic go? Has concerns regarding the sound pollution, and also, doesn't want to take a 56% hit in his assessment.

Joe Spodick:

When the Board makes their decision, they really have to think hard about it.

Gentleman from PJ's Trucking:

There are many risks with everything. There is also going to be truck traffic everywhere you go. The DNR will be monitoring this plant.

Dan Christman:

The problem is the water. He is all for business, but there must be better spots to put this plant. We need to do something that is good for the whole community. We are all members of this community and think about what you've heard tonight.

Sue Goodrich:

Traffic will not be conducive during that seven month time period. Also, according to the letter from Mrs. Sweet, the Town may gain one business, but lose another.

Richard Repke:

Doesn't see any innocence here; an asphalt plant is on the Board for approval. It does have merit.

Chairman Kastenson:

There are actually two crushing plants in Raymond right now.

Shannon Chadwell:

If this asphalt plant goes through, this will decrease the property values of people around it.

Chuck Sobbe:

The Board has to have an open mind. Is this going to help my taxes? What about the roads? I do not want to see my tax bill go up.

Libby Miller; Cassie Coleson & another young girl:

They were promoting bicycle safety at last week's Town Board meeting; an asphalt plant will bring in extra truck traffic and this will not be safe.

At 11:00 pm, the Public Hearing was closed on a RYAN/LECUS MOTION. MOTION CARRIED 5-0.

Discussion/Possible Decision by the Plan Commission and the Town Board, regarding Conditional Use for Northwest Asphalt Products, Inc.; 3205-W. Three Mile Road, for an asphalt production facility:

Art Binhack:

Questioned the traffic.

Mr. Stark:

There will only be truck traffic to the East of the property.

Alan Babe:

Question the proposed motion for this matter.

Town Attorney, Val Anderson:

Outlined the procedure for this matter. The Plan Commission will need to make a motion, then the Town Board make their motion. Then, the Asphalt Plant will need to get approval from the Village of Caledonia, and from Racine County, and then, come back to the Town for the conditions of their approval.

Chairman Kastenson:

The Town can restrict the plant's hours of operations; as well as their traffic pattern.

Supervisor Cantwell:

The reason I didn't make comments back to the people is because the people here assume that I am for this – you are wrong, I am against it.

Supervisor Ryan:

This is a great opportunity for the Town. We wish you would attend all of our meetings, twice a month.

The Land Use Plan allows for all types of business. We spent almost six years getting that plan together. We would love to have sewer and water. Property values in the Town are based on recent sales in the area, not what your neighbor is. We keep hearing "anything but this", but you haven't said what you want.

Supervisor Phillips:

This has been a good chance for people to let us know what you think. I have spent 80% of my time in an asphalt plant.

Supervisor Lecus:

This Town is probably 30% truck drivers.

Supervisor Cantwell:

The Town did not raise peoples' taxes. The schools have been raising taxes – people should look better at their tax bills.

Based on the information, documentation, presentation and plan of Northwest Asphalt Products, Inc., relative to its proposal to seek a Conditional Use Permit from the Racine County Planning and Development Committee, I move that the Town Planning Commission recommend to the Town Board of Supervisors that it recommend to the Racine County Planning and Development Committee the approval of said Conditional Use Permit application on the conditions that Northwest Asphalt Products, Inc., obtain and perform all

conditions required by Racine County Planning and Development Committee, as well as all requirements under the provisions of the Town of Raymond / Village of Caledonia Cooperative Boundary Agreement of May 2009, pertaining to the subject parcel, made on a BOLDT/STROHMEIER MOTION. MOTION CARRIED 5-0.

Commissioner Strohmeier went on to say that the Conditions that will be placed on this proposal will be crucial.

Discussion/Possible Decision by the Plan Commission and the Town Board, regarding Conditional Use for Northwest Asphalt Products, Inc.; 3205-W. Three Mile Road, for an asphalt production facility:

Based on the recommendation of the Town Planning Commission, the discussion of the Board, the information from the public hearing on the matter regarding the request of Northwest Asphalt Products, Inc. for approval of a Conditional Use Permit by the Racine County Planning and Development Committee, I move that the Town Board of Supervisors recommend to the Racine County Planning and Development Committee the approval of said Conditional Use Permit application on the conditions that Northwest Asphalt Products, Inc., obtain and perform all conditions required by Racine County Planning and Development Committee, as well as all requirements under the provisions of the Town of Raymond / Village of Caledonia Cooperative Boundary Agreement of May 2009, pertaining to the subject parcel, MADE ON A LECUS/RYAN MOTION. The Board was polled as follows: LECUS-AYE; RYAN-AYE; PHILLIPS-NAYE; CANTWELL-NAYE; KASTENSON-AYE; MOTION CARRIED 3-2.

Discussion/Possible Decision, by the Town Board regarding obtaining a permit for operating an asphalt production facility:

Based on the information provided by Northwest Asphalt Products, Inc., the information from the public hearing, the personal inspection of the subject site, and Town's recommendation to the Racine County Planning and Development Committee to conditionally approve the applicant's request for a Conditional Use Permit to operate an asphalt production facility I move that the Town determine, pursuant to Sec. 30-155 of the Town Code, that the operation of the proposed asphalt plant facility will not be detrimental to the health, safety and welfare of the public, and that the Town approve and authorize the issuance of the requested license on the following conditions:

1. **Northwest Asphalt Products, Inc., has obtained a Conditional Use Permit from Racine County Planning and**

Development Committee, and has complied with all conditions required therein;

2. **Northwest Asphalt Products, Inc., has fully complied with all requirements under the provisions of the Town of Raymond / Village of Caledonia Cooperative Boundary Agreement of May 2009, pertaining to the subject parcel; and**

3. **Northwest Asphalt Products, Inc., has enter into an agreement with the Town of Raymond, acceptable to the Town Attorney, that shall include, but not necessarily be limited to, obligations for the restoration of the premise and the maintenance of a performance bond or letter of credit, etc.**

MADE ON A LECUS/RYAN MOTION. MOTION CARRIED 3-2.

At 11:30, the Plan Commission adjourned their meeting, made on a BOLDT/STROHMEIER MOTION. MOTION CARRIED 5-0.

At 11:32, the Town Board adjourned their meeting, made on a LECUS/CANTWELL MOTION. MOTION CARRIED 5-0.

Respectfully submitted,

Linda M. Terry
Town Clerk